IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3924 OF 2003
IN
FIRST APPEAL (ST) NO.37744 OF 2003

Maharashtra State Electricity
Board, Nashik ...Applicant
Vs.
Yamunabai Nivrutti Kathe ...Respondent

CORAM : A. S. OKA, J.
DATE : JUNE 08, 2006.

P.C.:

1. Rule is already issued. Taken up for hearing. The impugned Judgment and decree is a money decree. It is well settled position of law that a money decree cannot be stayed unless the entire amount payable under the decree is deposited. No case is made out for making an exception to the general rule.

2. The Adocate for Appellant states that 50% of the amount is already deposited. Sufficient time can be granted to deposit balance amount. The Respondent-Plaintiff can be permitted to withdraw the amount on furnishing bank guarantee of any nationalised bank. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of

the Applicants depositing the entire amount due and payable under the impugned judgment and decree with the Trial Court within period of three months from today.

(ii) If the amount is not deposited, interim stay granted will stand vacated without further reference to the court.

(iii) If the amount is deposited, the the Respondent-Plaintiff is permitted to withdraw the said amount on furnishing bank guarantee of any nationalised bank. The Trial Court will hear the Appellants before accepting the bank guarantee.

(iv) No orders as to costs.

JUDGE